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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/863,823

05/23/2001

D. Wade Walke

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EXAMINER

HAMUD, FOZIA M

ART UNIT

PAPER NUMBER

1647

MAIL DATE

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11/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte D. WADE WALKE,
JOHN SCOVILLE, GREGORY DONOHO
and
C. ALEXANDER TURNER, JR.

Application 09/863,823
Technology Center 1600

Mailed: November 19, 2008

Before KRISTA ZELE, *Deputy Chief Appeals Administrator*.

ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 14, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S ANSWER, GROUNDS OF REJECTION

A review of the file indicates that the Examiner's Answer filed March 17, 2008 does not comply with the guidelines provided in MPEP § 1207.02 because it refers, either directly or indirectly, to a prior Office action *without fully restating the point relied upon in the answer*. If there is a complete and thorough development of the issues in a prior action, the examiner may copy any referenced prior rejection(s) from the prior Office action into the examiner's answer. The examiner is reminded to reevaluate his or her prior position in light of the arguments presented in the brief, and should expressly withdraw any rejections not adhered to in the "Grounds of Rejection Withdrawn" section of the examiner's answer.

Therefore, a substitute examiner's answer which fully restates any prior points relied upon in the answer, is required. *See also Manual of Patent Examining Procedure* (MPEP) § 1207.02 (8th ed. Rev. 6, Sept 2007) for details.

Accordingly, it is **ORDERED** that the application be returned to the Examiner:

- 1) to vacate the Examiner's Answer mailed March 17, 2008;
- 2) to generate a new Examiner's Answer which does not refer directly or indirectly to a prior Office action without fully restating the point relied on in the answer; and
- 3) for such further as may be required.

KZ:psb

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